

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Scot Decker,)	
)	
Plaintiff,)	PATRICK HLADKY DEPOSITION
)	RULINGS (FINAL)
v.)	Case No. 4:14-cv-00088
)	
I.E. Miller Services, Inc., et. al)	
)	
Defendants)	

The following are the court's rulings with respect to the designations and objections by the parties for the presentation of the deposition testimony of the above-named witness.

Party	Designation	Objection	Ruling	Allowed
D	6/1-8/5			6/4-8/5
PCD	*6/4-6/12			
D	8/23-17/16	P objects to 8/20 to 9/20 based on improper character evidence and remedial measures	Overruled	8/20-11/14
		P objects to 11/15-15/19 as relating to matter covered by order re motions in limine and irrelevant	Sustained as to 11/15-12/18	12/19-13/20
		P objects 15/20-15/24 as irrelevant sidebar	Sustained as to 13/21-17/16 - Rules 402-03	
		P objects 15/25-16/25 as being irrelevant, improper character evidence, and speculation	See above	
		P objects to 17/01-17/16 same as above	See above	

D	18/9-20/25	P objects to 18/09-18/18as irrelevant, improper character evidence, lacks foundation P objects to remainder as irrelevant and subsequent remedial measures	Sustained Sustained	
D	22/22-27/5	P objects to remedial measures, lack of foundation, speculation, lack of personal knowledge, and irrelevancy	Sustained in part and overruled in part	22/22-24/13 25/8-25/6
D	29/8-31/13	P objects lack of foundation and personal knowledge, speculation and irrelevancy	Sustained in part and overruled in part	30/10-30/24
D	32/5-33/21	Same as above	Sustained	
D	34/10-35/13	Same as above	Sustained	
D	35/22-35/25	Same as above	Sustained	
D	39/7-40/15	Same as above	Sustained	
PCD	44-06-44/13		Exclude part based on prior rulings	44/6-44/9
D	44/14-45/7	P objects hearsay, lack of relevance, speculation, improper character evidence	Sustained in part and overruled in part	44/22-45/7
D	45/23-46/21	P objects, lack of foundation and personal knowledge, speculation, improper character evidence and habit	Sustained in part and overruled in part	45/23-46/4 46/14-46/21
PCD	47/1-47/4			46/22-47/3
D	47/8-47/20			47/8-48/2
PCD	*47/8-47/10			
PCD	*47/12-48/2			

D	48/3-49/24	P objects to 48/03-48/20 as improper character evidence, lack of personal knowledge and foundation, and speculation	Overruled	48/3-49/24
PCD	51/3-51/8			51/3-51/8
D	54/6-57/22	P objects as irrelevant, habit, lack of personal knowledge and foundation, hearsay, and speculation	Sustained on 402 and 403 grounds	
D	64/21-69/8	P objects to 65/12-65/12?? P objects to 66/11-69/08 as irrelevant, improper character evidence, lacks foundation, not the same type of work	Overruled Sustained per rulings on motions in limine and Rule 407	64/21-65-22
PCD	*65/12-65/22			
D	96/8-96/21	P objects as irrelevant, lacks foundation, dissimilar accidents	Sustained	
D	99/18-100/17	P objects to 99/18-100/8 as irrelevant, lacks foundation, improper character evidence	Overruled in part and also based on counter-designation	99/18-100/24
PCD	*100/9-100/24			
PCD	103/1-103/4			103/1-103/4
PCD	103/18-104/7	D objects speculation and Rule 401-03 grounds	Sustained	
PCD	104/10-104/13	Same as above	Sustained	
PCD	104/24-105/4			104/24-105/4
PCD	108/17-109/1	Same as above	Overruled	108/17-109/1
PCD	109/4-109/8			109/4-109/8
PCD	110/9-112/14	D objects to speculation, Rule 401-03 grounds and form objections in the record	Sustained in part and overruled in part	111/3-112/14

PCD	113/1-113/15			113/1-113/15
PCD	116/10-117/13			116/10-117/13
PCD	120/18-121/15			
PCD	126/2-126/20			
PCD	127/8-127/17	D objects 127/8 to 129/8 based on speculation and misleading	Sustained and Rule 403 unless can show that test was conducted	
DCD	127/18-127/20	See above	See above	
PCD	127/21-129/8	See above	See above	
PCD	132/24-133/14			132/24-133/13
DCD	133/14-135/14			133/14-135/14
PCD	138/8-138/14			138/8-138/14
DCD	138/15-138/17			138/15-138/17
PCD	144/22-144/25			144/22-144/25
PCD	145/12-145/14			145/12-145/14
PCD	146/19-146/22			146/19-146/22
PCD	150/6-150/23	D objects as speculation, confusing, and Rule 401-403 grounds	Sustained	
PCD	171/20-173/1			171/20-173/1
PCD	173/24-175/2	D objects on grounds that questions are vague and compound as well as speculation and assuming facts not in evidence	Sustained	
PCD	181/4-181/13			181/4-181/13
PCD	182/6-182/10			182/6-182/10
DCD	182/23-185/13 183/23-185/13			183/23-185/13
PCD	185/14-185/24			185/14-185/24

DCD	185/25-186/19			185/25-186/19
PCD	186/20-187/4			186/20-187/4
DCD	187/5-187/17			187/5-187/17
PCD	188/4-188/8			188/4-188/8
DCD	188/9-189/14			188/9-189/14
DCD	190/23-192/1			190/23-192/1
PCD	194/22-196/6 194/22-195/6	D objects to this because it assumes someone other than driller acted	Overruled	194/22-195/6
PCD	202/22-203/11	D objects based on form objection in record and argumentative	Sustained	
PCD	205/2-205/20			205/2-205/20
PCD	206/11-206/17			206/11-206/17
PCD	207/11-209/4	D objects on lack of relevancy and Rule 401-03 grounds	Sustained in part and overruled in part	208/14-209/4
D	233/10-235/20	P objects as irrelevant, hearsay, calls for speculation, and improper character evidence	Sustained in part and overruled in part	233/10-233/16 235/11-235/20
D	236/13-239/11	P objects as irrelevant, lacks personal knowledge, speculation, and character evidence	Sustained in part and overruled in part	236/13-238/2 238/10-239/11
D	240/17-241/25	P objects to 241/2 to 241/25 on same grounds as above	Sustained	240/17-241/1
PCD	*240/19-241/01			
D	244/23-245/13		Exclude relevancy and 403 grounds and ruling on subsequent objections???? what is ex.30	

D	246/7-247/1	P objects calls, for speculation, lack of personal knowledge, and foundation	Exclude relevancy and 403 grounds	
D	260/19-261/20	P objects as irrelevant, improper character evidence, and violating order re motion in limine	Sustained in part and overruled in part and P opened door	260/19-261/3 261/6-261/14

IT IS SO ORDERED.

Dated this 14th day of February, 2018.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court